



September 23, 2015

Air and Radiation Docket and Information Center
Environmental Protection Agency
Mail Code: 28221T
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Docket Management Facility
M-30
U.S. Department of Transportation
West Building, Ground Floor
Room W12-140
1200 New Jersey Avenue, SE
Washington, D.C. 20590-0001

**RE: Docket ID Nos.: EPA-HQ-OAR-2014-0827 and NHTSA-2014-0132–
Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-
Duty Engines and Vehicles—Phase 2**

Dear Sirs/Madams:

The American Bus Association (ABA) respectfully requests an extension of the time period for filing comments to the Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2 proposed rule (GHG-2) issued jointly by the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Transportation’s National Highway Traffic Safety Administration (DOT/NHTSA), [Docket ID Nos. EPA-HQ-OAR-2014-0827 and NHTSA-2014-0132– Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2]. ABA requests a 120-day extension to file comments, based on the following: 1) the length and complexity of the rule proposal; 2) the limited resources the Motorcoach industry has at its disposal to analyze the proposal; and 3) the failure of the agencies to engage with motorcoach manufacturers or the motorcoach industry, in any meaningful way, even after an explicit request by ABA to meet, prior to publication of the proposal in August 2015.

By way of background, ABA represents private and over-the-road motorcoach operators and equipment manufacturers, in addition to various travel and tourism interests. The ABA has been operating for over 80 years, representing the interests of the motorcoach industry including large and small, intercity and charter and tour operators, and rural and urban operation, providing all

manner of transportation services, including intercity scheduled service, charter and tour operations, and airport and employee shuttle services. Additionally, ABA's membership of over 3,800 members includes not only motorcoach manufacturers but other equipment manufacturing companies providing various services to the motorcoach industry.

1. Length and Complexity of Proposal.

The GHG-2 proposal, as published in the Federal Register is over 600 pages long, not including NHTSA's Environmental Impact Statement (EIS). The original public comment period provided for this proposal was 60 days, which has since been extended for another 20 days. It involves highly technical expertise and resources to interpret the proposal, not readily available to small industries such as the motorcoach industry.

In comparison, the two federal agencies involved in this proposal have employed dedicated teams, including numerous economists, scientists, engineers and others, to work on this proposal over the span of at least the past 6 years, including the time spent on the Phase 1 proposal from which this proposal evolved. It is simply unreasonable for these federal agencies to expect those businesses affected by the rule to be in a position of providing thoughtful and functional comments on an extremely complex proposal within this short of time period, particularly if these businesses have not been involved in prior discussions or regulated by previous regulatory proposals of the same nature.

Further, significant rulemaking proposals of this nature, especially involving this level of complexity and length, and affecting such a broad swath of industries, at a minimum provide a 120-day comment period. It is beyond reason that EPA and NHTSA would make such a complex proposal as the GHG-2, with an initial comment period of *only 60 days*.

If not provided adequate time during the comment period, as originally proposed, agencies often receive and grant requests for extensions as we have already seen requested in this case. This is done in recognition and interest by the agencies, in order to ensure proper input as intended under the Administrative Procedures Act (APA) and full participation of the community affected. It is reasonable under the APA, considering the nature, length, magnitude, scope of this rule to allow for 120 days to enable all affected interests of this proposal to properly consider it and provide thoughtful comments. Even if the original proposed period was only 60 days, it is not unusual or unreasonable for agencies to grant extensions well beyond the original proposal.

An example of a longer initial rulemaking comment period was opened just last year under the docket, EPA-HQ-OAR-2013-0602. "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units" (also known as the Clean Power Plan). In this action, the Environmental Protection Agency (EPA) proposed emission guidelines for states to follow in developing plans to address greenhouse gas emissions from existing fossil fuel-fired electric generating units. Commenters were provided 120 days from the outset to provide comments on this NPRM.

Another example is provided under the docket, FDA-2011-N-0920. "Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human

Food”. In this action, Food and Drug Administration (FDA) proposed to amend its regulation for Current Good Manufacturing Practice In Manufacturing, Packing, or Holding Human Food (CGMPs) to modernize it and to add requirements for domestic and foreign facilities that are required to register under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) to establish and implement hazard analysis and risk-based preventive controls for human food. Following a series of extensions, commenters were provided over 300 days from the outset to provide comments on this NPRM.

2. Motorcoach Industry Resources

The motorcoach industry is a relatively small industry, in terms of the entire transportation sector industry (can we provide a general figure on that annual income of the industry). It is not heavily subsidized in any significant scale by the Federal Government. Of the approximately 3,400 motorcoach companies¹ currently in operation in the U.S., operating nearly 32,000 motorcoaches, over 90% are small fleets or operating 10 vehicles or less. In addition, while there are 4 major motorcoach vehicle manufacturers who serve the private U.S. motorcoach industry, all but one of these manufacturers are foreign companies, who have not been eligible to participate in the previous “credit” programs provided under Phase 1 and continued under the Phase 2 proposal. Indeed, the motorcoach industry is the “small business” model for the transportation sector – no other transportation mode, aside from automobiles, can compare in terms of the dollar investment for providing a transportation service. This can be both a blessing as well as a curse, however, as demonstrated by this rulemaking.

As previously mentioned, this lengthy rule proposal is both complex and a relatively new subject for the motorcoach industry. It requires resources and time to properly analyze the proposal and provide any meaningful comments to the agencies. Such resources are in limited supply to the motorcoach industry for this this purpose, and the short comment period designated by the agencies only exacerbates this problem. If it is truly EPA and NHTSA’s goal to continue to “work collaboratively with stakeholders,” as the GHG-2 proposal repeatedly states, then the agencies should extend the comment period to accommodate the needs of smaller businesses and businesses who do not have the relative expertise or familiarity with the issues addressed in the proposal.

3. Stakeholder Outreach.

The preamble of the GHG-2 proposal includes numerous statements on how EPA and NHTSA have “worked with industry” and had “robust collaboration with stakeholders” in preparing not only this proposal, but previous proposals to address greenhouse gas emissions and fuel efficiency. In fact, the preamble references specifically: the public, heavy-duty vehicle and engine manufacturers, technology suppliers, trucking fleets, truck drivers dealerships, environmental organizations, and state agencies. Noticeably missing from this list are motocoach or bus manufacturers, motorcoach or bus operators, or motorcoach or bus drivers.

¹ Motorcoach Industry Census 2014, A Study of the Size and Activity of the Motorcoach Industry in the United States and Canada in 2013; John Dunham & Associates, 2014. Available at: <http://www.buses.org/files/Foundation/Census2013data.pdf>

However, in anticipation of this rulemaking ABA initiated outreach to its members and specifically requested a meeting with NHTSA on the parameters and information gathering used in the formulating of this proposal. Our request was denied. Nonetheless, we have continued to reach out to ABA members, in an effort to conduct some form of analysis; however, we need more time. The feedback that we have received to date is very limited due to the length and complexity of the rule proposal.

The motorcoach industry has a strong record on gas emissions and fuel efficiency. In a study that compared emissions and fuel efficiency by mode, “motorcoaches on average used the least amount of energy and produce the lowest carbon dioxide emissions per passenger mile of any of the transportation modes analyzed.”²

Based on the motorcoach industry’s vitality to the national transportation network and its contribution to promoting fuel efficient and environmentally friendly transportation options, we believe the motorcoach industry should be permitted the opportunity to provide thoughtful and meaningful input to this rulemaking. In light of little to no “stakeholder outreach” by the EPA and/or NHTSA to the motorcoach industry, along with the denial of ABA’s request to meet prior to the publication of the rule proposal, ABA believes an extension of the comment period is warranted.

Based on the three reasons outlined above, ABA respectfully requests EPA and NHTSA to extend the comment period for the GHG-2 proposal for an additional 120 days.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Buchanan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brandon Buchanan
Director of Regulatory Affairs
American Bus Association

² Updated Comparison of Energy Use & CO₂ Emissions From Different Transportation Modes; MJ Bradley & Associates, 2014. Available at: <http://www.buses.org/files/green.pdf>